# MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION

# Official Minutes May 12, 2004

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# MINUTES OF REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETING HELD IN JEFFERSON CITY, MISSOURI, ON WEDNESDAY, MAY 12, 2004

A regularly scheduled meeting of the Missouri Highways and Transportation Commission held on Wednesday, May 12, 2004, in Jefferson City, Missouri, was called to order at 10:00 a.m. by Chairman Bill McKenna. The following Commissioners were present: Marjorie B. Schramm, Vice Chair, James B. Anderson, Duane S. Michie, Wallace S. Hartsfield, and Larry D. Webber.

The meeting had been called pursuant to Section 226.120 of the 2000 Revised Statutes of Missouri, as amended. The Secretary verified that notice of the meeting was posted in keeping with Section 610.020 of the 2000 Revised Statutes of Missouri, as amended.

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Mr. Dave Snider, Interim Director of the Missouri Department of Transportation; Mr. Rich Tiemeyer, Chief Counsel for the Commission; and Mrs. Mari Ann Winters, Secretary to the Commission, were present on Wednesday, May 12, 2004.

"Department" or "MoDOT" herein refers to Missouri Department of Transportation. "Commission" or "MHTC" herein refers to Missouri Highways and Transportation Commission.

#### **CLOSED MEETING**

The agenda of the closed meeting was posted in keeping with Sections 610.020 and 610.022, RSMo., including the following statutory citations allowing the meeting to be closed:

- 1. Section 610.021(11), (12) Specifications for competitive bidding, sealed bids, or negotiated contracts.
- 2. Section 610.021(1) Legal actions and attorney-client privileged communications.
- 3. Section 610.021(3), (13) Personnel administration regarding particular employees.

  The Commission met in the Closed Meeting from 8:00 a.m. until 10:00 a.m.

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# APPROVAL OF MINUTES, REGULARLY SCHEDULED HIGHWAYS AND TRANSPORTATION COMMISSION MEETING, APRIL 14, 2004

Upon motion duly made and seconded, the Commission unanimously approved the minutes of its April 14, 2004, regularly scheduled meeting. The Chairman and Secretary to the Commission were authorized and directed to sign and certify said minutes and to file same in the office of the Secretary.

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#### CONSENT AGENDA

In order to make the most efficient use of Commission meeting time and to ensure the Commission members are well informed on issues requiring their action, the staff prepares and submits to the Commission members, in advance of their meeting, internal memoranda consisting of advice, opinions, and recommendations related to the items on the Commission

meeting agenda. Those items considered by the staff to be of a routine or noncontroversial nature are placed on a consent agenda. During the meeting, items can be removed from the consent agenda at the request of any one Commission member. The items that are not removed from the consent agenda are approved with a single motion and unanimous vote by a quorum of the members.

Minutes reflecting approval of items on the consent agenda are singly reported herein and intermingled with minutes reflecting action on related subjects that were openly discussed. Reference to "consent agenda" is made in each minute approved via the process described in the paragraph above. Minutes reflecting action on items removed from the consent agenda and openly discussed reflect the open discussion and vote thereon.

No items were removed from the May 12, 2004, consent agenda. Upon motion by Commissioner Schramm, seconded by Commissioner Webber, the consent agenda items were unanimously approved.

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# ELECTION OF MEMBER TO MISSOURI TRANSPORTATION FINANCE CORPORATON

Upon motion by Commissioner Michie, seconded by Commissioner Schramm, the Commission unanimously elected Commissioner Wallace Hartsfield to serve as a member of the Board of Directors of the Missouri Transportation Finance Corporation, replacing W. L. (Barry) Orscheln.

#### APPOINTMENT OF COMMITTEE MEMBERS

Chairman McKenna made the following appointments to the Commission's committees:

#### Audit

Commissioner Michie, Chair Commissioner Anderson Commissioner Webber

## **Bond Financing**

Commissioner Michie, Chair Commissioner Schramm Commissioner Hartsfield

## **Building**

Commissioner Schramm, Chair Commissioner Michie Commissioner Webber

## Compensation

Commissioner Schramm, Chair Commissioner Webber Commissioner Hartsfield

## **Director Search**

Commissioner Anderson, Chair Commissioner Schramm Commissioner McKenna Commissioner Michie Commissioner Hartsfield Commissioner Webber

## Legislative

Commissioner McKenna Commissioner Schramm

# REPORTS OF COMMISSION COMMITTEES AND COMMISSION RELATED BOARDS

The Commission has five standing committees (Audit Committee, Bond Financing Committee, Building Committee, Compensation Committee, and Legislative Committee) and one short-term committee (Director Search Committee). In addition, it elects Commission representatives to two boards (Missouri Transportation Finance Corporation and Highway and Transportation Employees' and Highway Patrol Retirement System). The following committee reports were made during the May 12, 2004, meeting.

**Bond Financing Committee** – Commissioner Michie reported that he and Commissioner Schramm had met with the staff and financial consultant regarding the possibility of refinancing MoDOT's \$907 million in outstanding bonds in the event interest rates would be favorable for doing so. The staff will prepare a draft policy pertaining to debt assessment, which will include the desired outcome of restructuring outstanding bonds. The policy will be presented to the Commission for review and consideration.

**Director Search Committee** – Commissioner Anderson reported that Grant Cooper & Associates, the management executive search consultant, is in the process of identifying prospective candidates. He noted that the consultant would continue to work closely with the Commission to identify a list of candidates for the Commissioners to interview. He noted that prior to those interviews, the Director Search Review Team would review written information about the candidates and submit observations thereon for the Commission's consideration. The Director Search Review Team is comprised of the following members:

Commissioner Anderson

Commissioner Schramm

Dr. Jack Magruder (chairman of the Commission's Blue Ribbon Panel)

Richard Walter (representing the MoDOT District Engineers)

Senator Jon Dolan (representing the Senate)

Representative Lanie Black (representing the House)

Patrick Lynn (representing the Governor's Office)

Commissioner Anderson anticipated that the Director's position would not be filled prior to

September 1.

Legislative Committee – Chairman McKenna reported that no legislative action would be

taken this year on toll roads. He advised that the budget completed by the General Assembly

included a recommended \$1200 across-the-board salary increase for state employees.

Chairman McKenna reported that the Secretary of State's office is currently verifying

signatures on an initiative petition, which, if approved by Missouri voters, would mandate

that some of the highway user funds currently going to other state agencies would be diverted

to MoDOT for highway construction projects. He noted that approval of the proposal would

provide an opportunity for MoDOT to address some of its highway improvement needs.

Chairman McKenna reported that no action has been taken to date on a new federal

transportation reauthorization bill.

**Retirement** – Commissioner Anderson reported that the value of the retirement fund at the

end of April was \$1.33 billion, which represented a 17.5 percent gain over the previous 12

months.

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#### **BUDGET COMPARISON**

On behalf of the Director, Jim Deresinski, Controller, compared the revised ninemonth budget to expenditures from July 1, 2003, through March 30, 2004. After reviewing expenditures for (1) personal service and fringe benefits, (2) expense and equipment, and (3) the construction program, he concluded that current balances plus anticipated future revenues will be adequate to cover anticipated expenses for the year.

Commissioner Anderson noted that sometimes as the end of a fiscal year draws near there is a tendency to accelerate spending in the expense and equipment category. He expressed the hope that such a mindset was not prevalent within MoDOT.

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# SCENIC BYWAY DESIGNATION, ROUTE 224, LAFAYETTE COUNTY

On behalf of the Interim Director, Terry Sampson, Right of Way Director, recommended that the 15.3-mile section of Route 224, Lafayette County, extending from the intersection of Route 24 east of the City of Lexington to the intersection of Route 24 west of the City of Napoleon (known as The Old Trails Road Scenic Byway) be designated as a State Scenic Byway. Route 224 meets the requirements of scenic byway designation because of its unique history, as well as its scenic, recreational, cultural, and natural resources.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

# MEXICO ROAD TRANSPORTATION DEVELOPMENT DISTRICT, APPOINTMENT OF AN ADVISOR, APPROVAL OF THE PROJECT

On behalf of the Interim Director, Ed Hassinger, District 6 Engineer and Mike Golden, Chief Financial Officer, presented the Mexico Road Transportation Development District proposed transportation projects which involves:

- 1. Purchase of property and acquisition of right of way;
- 2. Construction of public roads within the Development District, including a road that will serve as a connector (the connector to be owned and maintained by the city) between Route K (owned and maintained by the Commission) and existing city land adjacent to Mexico Road;
- 3. Existing structure demolition and related abatement;
- 4. Reengineering a portion of an existing detention basin within the right of way of a portion of the connector road;
- 5. Accompanying earthwork, grading, site work, drainage, pavement, curb, gutter, sidewalk, storm water facilities, structures, signing, lighting, traffic signals, utility relocation or replacements or other similar or related infrastructure or improvement to facilitate construction in connection with Nos.1 through 4 above; and
- 6. Legal, engineering, architectural, administrative and other professional fees in connection with Nos. 1 through 4 above.

A portion of the transportation project would be built on the Commission's right of way for Route K; therefore, the Commission has a direct interest in the state portion of the proposed project.

The Development District will fund the costs of the project through imposition of a sales tax pursuant to the Development District Act. The Commission has no financial participation in the project.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 6 St. Charles County Area Engineer as the Commission advisor to the Mexico Road Transportation Development District's board of directors, and (2) found the Commission's

portion of the project to be a necessary and desirable extension of the state highways and transportation system, subject to the District making any revisions in the plans and specifications required by the Commission and subject to the District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project.

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# STARDUST-MUNGER-DIAMOND TRANSPORTATION DEVELOPMENT DISTRICT, APPOINTMENT OF AN ADVISOR, APPROVAL OF THE PROJECT

On behalf of the Interim Director, Kirk Juranas, District 3 Engineer and Mike Golden,
Chief Financial Officer, presented the Stardust-Munger-Diamond Transportation
Development District proposed transportation projects which involves:

- 1. Construction of an extension of Stardust Drive to connect Route 61 (McMaster's Avenue) and the Apollo North Subdivision, including intersection improvements with the Missouri Department of Transportation;
- 2. Construction of an extension to Munger Lane in a north-south direction to connect Route W (Palmyra Road) and the Willow Care facility, including intersection improvements with the Missouri Department of Transportation;
- 3. Construction of a new intersection of Stardust Drive and Munger Lane;
- 4. Construction of Diamond Boulevard extending south and west from the present street dedication to connect with the proposed extension of Munger Lane, including intersection improvements of Diamond Boulevard, Route 61 (McMaster's Avenue) and Route 168 with the Missouri Department of Transportation; and
- 5. Accompanying curb, gutter, sidewalk, storm water facilities or other similar or related infrastructure or improvement.

A portion of the transportation project will be merged into the state highways and transportation system under the Commission's jurisdiction; therefore, the Commission has a direct interest in the state portion of the proposed project.

The Development District will fund the costs of the project through imposition of a sales tax pursuant to the Development District Act. The Commission has no financial participation in the project.

Via approval of the consent agenda, the Commission unanimously (1) appointed the District 3 District Engineer as the Commission advisor to the Stardust-Munger-Diamond Transportation Development District's board of directors, and (2) found the Commission's portion of the project to be a necessary and desirable extension of the state highways and transportation system, subject to the District making any revisions in the plans and specifications required by the Commission and subject to the District entering into a mutually satisfactory agreement with the Commission regarding development and future maintenance of the project.

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# CONSIDERATION OF BIDS ON FEDERAL-AID AND STATE PROJECTS

# Award of Contracts, April 16, 2004, Bid Opening

On behalf of the Interim Director, Diane Heckemeyer, State Design Engineer, stated that bids for road and bridge improvement projects had been received on April 16, 2004.

Ms. Heckemeyer presented a tabulation of the bids received on all projects and recommended awards be made to the lowest responsive and responsible bidder noted below. She also recommended that the bid of Kozney-Wagner, Inc., be declared non-responsive due to inaccurate bidding documents on Call 602. Ms. Heckemeyer pointed out that award of Call 604 is to the second low bidder in keeping with the low bidder's option to limit the amount of award it will accept in this bid opening.

Route County Project Call 301	Bid Amount Plus 3% for Contingencies	Non- Contractual <u>Costs</u>	<u>Contractor</u>
61 and 156 Lewis J3P0695	\$227,868.86	\$576.00	Mill Valley Construction, Inc. Shawnee Mission, KS
Call 302 70 Montgomery/Warren J3I0701 70 Montgomery J3I0702	3,665,644.26	144.00	N. B. West Contracting Company Brentwood, MO
Call 401 Various Various J4M0135	503,824.79	144.00	Collins & Hermann, Inc. St. Louis, MO
Call 402 Various Various J4M0136	186,360.40	144.00	Collins & Hermann, Inc. St. Louis, MO
Call 501 70 Boone/Callaway & Montgomery J510815	3,144,754.99	656.00	Collins & Hermann, Inc. St. Louis, MO
Call 502 65 Benton J5P0807	1,111,080.70	397.07	Hilty Quarries, Inc. Clinton, MO
Call 601 55 St. Louis City J6I1293	1,321,629.99	4,468.24	Gershenson Construction Co., Inc. Eureka, MO
Call 602 64 St. Louis City J6I1707	79,840.38		Gaines Construction, Inc. Wentzville, MO

Route County <u>Project</u> Call 604	Bid Amount Plus 3% for Contingencies	Non- Contractual <u>Costs</u>	<u>Contractor</u>
KK Franklin J6S1074	771,567.89	161.88	Harry H. Hauf & Sons Contractors, Inc. Mexico, MO
Call 605 100 St. Louis J6S1719 340 St. Louis J6S1723	84,615.58	288.00	N. B. West Contracting Company Brentwood, MO
Call 606 185 Franklin J6S0905	1,723,862.49	394.80	Emery Sapp & Sons, Inc. Columbia, MO
Call 607 VV Franklin J6S1468	533,441.53	188.86	C & S Companies, Inc. New London, MO
Call 608 Various St. Louis/St. Charles Jefferson/Crawford & J6M0076			D & S Fencing Company Festus, MO
Call 609 Various St. Louis/St. Charles Franklin/Crawford & J6M0077			D & S Fencing Company Festus, MO
Call 610 40/61 St. Charles J6M0088	387,409.13		N. B. West Contracting Company Brentwood, MO
Call 901 63 Phelps J9P0519	182,276.15		Micro-Surfacing, Inc. St. Louis, MO

Route County Project	Bid Amount Plus 3% for Contingencies	Non- Contractual Costs	Contractor
Call 902 E Phelps J9S0531	1,018,670.00	1,640.00	Jefferson Asphalt Company Jefferson City, MO
<b>Call 903</b> 63 Howell J9M0042	360,713.39	10,771.20	Micro-Surfacing, Inc. St. Louis, MO
Totals	\$15,841,254.52	\$19,974.05	

Construction speed limits conform to the standard work zone speed limits shown on Standard Drawing No. 616.10 as approved by the Commission.

## **Authority to Reject Bids**

Ms. Heckemeyer further advised the Commission that bids were received April 16, 2004, on the following project. She recommended the bid on call number 603 be rejected because it was considered excessive.

Route	County	<u>Project</u>
Call 603		
270	St. Louis	J6I1741

#### **Commission Action**

After consideration and upon motion by Commissioner Michie, seconded by Commissioner Schramm, the Commission took the following action.

- 1. Awarded contracts to the lowest responsive and responsible bidders for bids received on April 16, 2004, as recommended and noted above, and authorized an additional three percent of the contract amount for contingencies. The Commission approved the allocation of funds covering the non-contractual costs for these projects as indicated on the above tabulation.
- 2. Declared the bid of Kozney-Wagner, Inc., "non-responsive" on Call 602.
- 3. Rejected the bids received on Call 603.

In keeping with the Commission's Delegation of Authority to Execute Documents, the Director, Chief Engineer, Chief Operating Officer, or Director of Project Development are authorized to execute the contracts awarded above.

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# ACQUISITION OF RIGHT-OF-WAY FROM MoDOT EMPLOYEE, ROUTE T, BARTON COUNTY

On behalf of the Interim Director, Richard Walter, District 7 Engineer, reminded the Commission that in keeping with Commission policy, the offer to acquire property from a MoDOT employee or Commission member must be approved by specific Commission action.

Mr. Walter recommended an offer be made to Richard and Joy L. Kentner (MoDOT employee) for the appraised fair market value of \$1,260 for 0.80 acre of right-of-way from Parcel No. 2 for the completion of Project J7S0688, Route T, Barton County.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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## DISPOSAL OF EXCESS PROPERTY, ROUTE 13, GREENE COUNTY (ALSO REFERRED AS KANSAS EXPRESSWAY)

On behalf of the Interim Director, Dale Ricks, District 8 Engineer, reminded the Commission that in keeping with Commission policy regarding disposition of excess property, the sale of all properties owned by the Commission in fee simple title with appraised values of \$50,001 and more must be approved by specific Commission action.

Mr. Ricks recommended that 0.38 acre of land located near the intersection of Route 13 and Kearney Street in Springfield (Excess Parcel No. E8-499) be conveyed to Bob and Patricia Carson for the consideration of \$55,000.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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# DISPOSAL OF EXCESS PROPERTY, ROUTE 5, CAMDEN COUNTY

On behalf of the Interim Director, Roger Schwartze, District 5 Engineer, reminded the Commission that in keeping with Commission policy regarding disposition of excess property, the sale of all properties owned by the Commission in fee simple title with appraised values of \$50,001 and more must be approved by specific Commission action.

Mr. Schwartze recommended approval to convey 11,761 square feet (.27 acre) parcel with improvements located adjacent to the new Niangua Bridge on Route 5 to Fred R. and Vivian E. Waterman for the consideration of \$161,728.85.

Via approval of the consent agenda, the Commission unanimously approved the recommendation.

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# ADMINISTRATIVE RULE, NOTICE OF ORDER OF RULEMAKING, 7 CSR 10-1.020, SUBPOENAS

On behalf of the Interim Director, Jan Skouby, Motor Carrier Services Director, reminded the Commissioners that at their January 16, 2004, meeting, they authorized filing and publication of proposed rule 7 CSR 10-1.020. The proposed rule was published in the

*Missouri Register* on March 1, 2004, and no comments were received following the publication. Ms. Skouby recommended approval of the final order of rulemaking and requested authorization for the Secretary to the Commission to file the final rulemaking with the Joint Committee on Administrative Rules and the Office of the Secretary of State. She further recommended the Director, Chief Engineer, or Chief Operating Officer be authorized to execute any document appropriate and necessary for completing this final rulemaking process.

Via approval of the consent agenda, the Commission unanimously approved the recommendations.

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#### ROADWAY LOCATION AND DESIGN APPROVAL

On behalf of the Interim Director, District Engineers recommended the Commission approve the location and design for the following projects.

Routes 136 and 69, Harrison County
From Interstate I-35, West 0.7 mile to Route 69,
then North 0.3 Mile to Route W in Bethany
Job No. J1P0826
Public Hearing Held February 26, 2004

This improvement provides for resurfacing, rehabilitation and/or reconstruction of approximately 1.0 mile of Routes 136 and 69. The roadway will be widened to 12' lanes with 10' shoulders on the four and five-lane sections, and 12' lanes with 3' curb and gutter for the three-lane section. Right of way will be fully controlled and normal access. Traffic will be carried through construction by shifting traffic from one lane to another as construction progresses. This project is 1.0 mile in length.

Ms. Beth Wright, District 1 Engineer, recommended approval of the location and design of the proposed plans as presented at the public hearing with the following modifications:

- o The median in front of Casey's General Store will be shortened approximately 80 feet.
- o The pavement milling and replacement of Route 69 will be extended approximately 200 feet to the south to capture the proposed reconstruction of the entrance to the hospital.
- O Roadway lighting will be added to the intersection of Route 136 and Route W. The lighting will be installed by MoDOT and operated and maintained by the City of Bethany. A Municipal Agreement is currently being negotiated with the City of Bethany to delineate the installation, operation and maintenance responsibilities for the roadway lighting.
- o The eastern entrance to the hospital will be removed on Route 136.
- o The entrance to Toot Toot's restaurant will be retained at its present location and a retaining wall added to prevent the toe of fill slope from encroaching on the limited parking area.
- o The car wash entrance and the Bethany Enterprise entrance will be retained in their present locations to avoid financial hardship to the businesses.
- o Walter Brother's entrance will be modified and aligned with their building.
- o The entrance to Cole and Osborne Farms will be relocated and reconstructed to utilize one access point of ingress and egress to the property.
- o The median in front of Bethany Bank and Trust and MFA Oil will be shortened by 400 feet to provide access to the properties.
- o The proposed entrance at Station 83+08.52 (the new Wal-Mart entrance) will be modified to reduce the lengths of the islands on the side entrances and to avoid adverse encroachment on Mr. Sharp's property. The Kum and Go entrance will still be realigned to be opposite the new Wal-Mart entrance. (Part of this work will be undertaken by Wal-Mart, at its expense, through MoDOT's permitting process).

# Route H, Buchanan County From Route A to Route 371 Job No. J1S0809

## Public Hearings Held October 4, 2000 and March 9, 2004

This improvement provides for the widening of Route H between Route A and Route 371. The existing two-lane facility will be widened from two 9' lanes with 2' wide gravel shoulders to a facility having two 11' lanes with 2' wide paved shoulders with normal access right of way. Traffic will be detoured around the project site during construction. This project is 1.2 miles in length.

Ms. Beth Wright, District 1 Engineer, recommended approval of the location and design as presented at the second pubic hearing held on March 9, 2004.

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# Route J, Monroe County 0.3 Mile West of Route A East Junction (Otter Creek) Job No. J3S0479 No Public Hearing Held

This improvement provides for grading, paving, and replacing the bridge over Otter Creek with normal access right of way. The road will be closed during construction and traffic will be detoured over state routes. This project is 0.1 mile in length.

Mr. Kirk Juranas, District 3 Engineer, recommended approval of the location and design as advertised for in the Opportunity for a Public Hearing.

# Route I-29/35, Jackson/Clay Counties North of the I-35/Route 24 Intersection Over the Missouri River to Bedford Avenue Job No. J4I1326 Public Hearing Held March 23, 2004

This improvement provides for rehabilitation and repainting of Bridge No. L-734 (Paseo Bridge over Missouri River), the rehabilitation of Bridges A-3276 and L-788 (south of the river), pavement rehabilitation and continuous lighting from Levee Road to Dora Street with fully controlled right of way. The bridge over the Missouri River will be closed to traffic for four to eight months during construction. Multiple routes in the Kansas City area will be signed to identify alternative travel routes during construction. This project is 1.1 miles in length.

Mr. Sabin Yanez, District 4 Engineer, recommended approval of the location and design as presented at the public hearing.

After full consideration of the favorable and adverse economic, social, and environmental effects of the recommended designs, the Commission, via approval of the consent agenda, unanimously found and determined the recommended designs would best serve the interest of the public and approved the recommendations.

# RATIFICATION OF APPROVAL OF RIGHT OF WAY PLANS FOR CONDEMNATION

On behalf of the Interim Director, Diane Heckemeyer, State Design Engineer, recommended the Commission ratify the approval of Chief Engineer of the following right of way plans which have been filed for condemnation.

			<b>Date Commission</b>
<b>County</b>	<b>Route</b>	Job Number	Approved Design
St. Louis	366	J6P1628	N/A

In accordance with Section 227.050 RSMo, the Commission, via approval of the consent agenda, approved the right of way plans for the above noted project and directed they be filed as necessary for the condemnation of right of way.

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#### -- REPORTS --

#### ANNUAL CONTRACTOR PERFORMANCE REPORT

Dave Ahlvers, State Construction and Materials Engineer, presented the Annual Contractor Performance Report for 2003. After projects are accepted by the Department or at the end of the calendar year, project performance questionnaires are completed by the resident engineers and provided to the contractors for review and comment. The Department implemented this process in 1997 to encourage performance improvement on Department contracts.

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## FINANCIAL ACCOUNTABILITY REPORT, QUARTERLY REPORT

Mike Golden, Chief Financial Officer, presented a Quarterly Financial Accountability Report to comply with the requirements of RSMo 226.040.1, for period ending March 31, 2004.

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## WORKSHOP ON REVENUE AND PLANNING

Following regular business, the Commission participated in a workshop wherein the staff presented information pertaining to revenue sources and projections and the transportation planning process. No Commission actions were taken during the workshop.

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By unanimous vote of all members present, the meeting of the Commission was adjourned.